

IN RE: PETITION FOR SPECIAL HEARING
10829 Falls Road
NE/S Falls Road, appox. 830' NW of c/l of
Greenspring Valley Road extended
8th Election District
3rd Councilmanic District

James and Kathryn Samuel, Legal Owner
Consolidated Equities Corporation, Contract
Purchaser

Petitioners

BEFORE THE
DEPUTY ZONING
COMMISSIONER FOR
BALTIMORE COUNTY
Case No.: 99-197-SPH

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing to permit business parking in the OR-1 and RC-5 zones, on the subject property owned by James and Kathryn Samuel, which property is under a contract of sale to the Consolidated Equities Corporation, a Maryland corporation ("**Consolidated**"). The subject property is located on the northeast side of Falls Road, northwest of Greenspring Valley Road, extended. The subject property is presently improved with a two-story frame building and the line of zoning division, between the OR-1 and RC-5 zones, bisects the subject property and the improvements located thereon.

The record in this case reflects that the Petitioners sought, pursuant to Baltimore County Zoning Regulations ("BCZR") § 409.B, a use permit for the use of a portion of the subject property for parking facilities to support the plans of Consolidated to use the property for its professional offices.¹ After the subject property was posted with notice of the desired use permit, an adjoining

¹ As reiterated at the hearing held on this matter, Consolidated Equities intends during the next Zoning Cycle to seek a modification of the OR-1/RC-5 zoning line such that the entire improvements on the subject property would be zoned OR-1.

landowner, Mr. Robert L. Williams, filed a request with the Zoning Commissioner, pursuant to BCZR § 409.8.B.1.b, for a public hearing on the requested use.

In accordance with the practice of the Department of Permits and Development Management, following receipt of the notice of request for hearing, the Petitioners, pursuant to BCZR § 500.7 filed the instant Petition and the plats associated therewith.

Appearing at the public hearing on this Petition was Mr. Robert Becker, one of the directors and principals of Consolidated. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. There were no Protestants or other interested parties present at the hearing.

The proffered testimony indicated that the subject property is presently split-zoned and is being used by the owners as a residence. The Plat to Accompany the Petition, accepted into evidence as Petitioners' Exhibit No. 1, depicts an irregularly shaped lot, improved with an existing frame building which is bifurcated by the OR-1/RC-5 zoning line. Petitioners' Exhibit No. 1 also depicts the original, proposed location of a total of eight (8) parking spaces and associated driveway areas.

Subsequent to the filing of the request for hearing by Mr. Williams, the proffered testimony indicated that Mr. Becker contacted Mr. Williams in connection with any concerns or issues that he may have relative to the use permit requested. It was also indicated that Mr. Becker contacted the Falls Road Community Association, Inc. and the Valleys Planning Council, Inc. regarding the proposed use of a portion of the subject property for business parking.

As evidenced by Petitioners' Exhibit No. 2, Consolidated entered into a letter agreement with Mr. Robert Williams, whereby Mr. Williams agreed to dismiss his "appeal" of the use permit for business parking. In consideration of the dismissal by Mr. Williams, Consolidated agreed to plant certain screening adjacent to the Williams' property and to enter into certain, binding covenants with

ORDER RECEIVED FOR FILING
1/4/09
[Signature]

the Falls Road Community Association, Inc., regarding Consolidated's future use of the subject property. The proffered testimony revealed that Mr. Williams did appear at the offices of the Department of Permits and Development Management and did attempt to dismiss his "appeal", only to be informed that because the subject property had been posted and the notice of the instant hearing published, the hearing specified by BCZR § 409.8.B.1.d would have to be held.

The uncontradicted testimony offered was that, after further discussions with Mr. Williams, the Falls Road Community Association, Inc. and the Valleys Planning Council, Inc., Consolidated retained the services of an environmental expert to evaluate the proposed location of the requested business parking and the potential for retention of certain mature vegetation on the subject property. Further testimony indicated that, following the filing of the instant petition and the completion of the environmental evaluation, the location of the proposed parking and driveway were altered to address the comments of Mr. Williams and the involved associations, to be more harmonious with the existing site conditions and to provide protection to the existing stream on the eastern property line.

A revised plat, incorporating the above-described revisions was accepted into evidence as Petitioners' Exhibit No. 3. That plat indicates that the subject property is approximately 0.415± in size, with approximately 0.165± acres thereof being zoned, at present, as OR-1. As the proposed location of the business parking meets all required area regulations and is appropriately screened as required by the BCZR and the agreement between Mr. Williams and Consolidated, no variances or other relief is being sought by the Petitioners.

The uncontradicted evidence proffered at the hearing was that the proposed business parking to be located as shown on Petitioners' Exhibit No. 3 in the OR-1 and RC-5 zoned portions of the

subject property, can be conducted on a durable and dustless surface without detriment to the surrounding community; that only passenger vehicles will be using the proposed parking; that the land proposed for business parking is part of the site on which the business use will be conducted; that there will be no loading or service use other than parking permitted on the subject property; that the proposed use of the parking area will be during normal business hours; and that any lighting of the parking area will be in strict accord with the requirements of the BCZR.

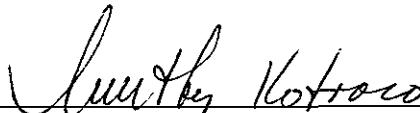
Based upon the proffered testimony and exhibits in the record, it is clear that the proposed business parking use can be conducted on the subject property as depicted on Petitioners' Exhibit No. 3, provided that certain conditions are imposed. The Baltimore County Office of Planning is one of the County agencies which reviews all Petitions for zoning relief. In connection with the relief requested by the Petitioners in this case, the Office of Planning, has suggested certain conditions that should be incorporated into any decision approving the proposed business parking. Having considered the comments from the Office of Planning in conjunction with the agreements reached between Consolidated, Mr. Williams and the above-described associations, several of the conditions requested by the Office of Planning will be incorporated.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 4th day of January, 1999 that the Petition for Special Hearing to permit business parking in the OR-1 and RC-5 zoned portions of the subject property as shown on Petitioners' Exhibit No. 3, is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is

reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with the agreements reached between Consolidated Equities Corporation and: i) Mr. Robert L. Williams; and 2) the Falls Road Community Associations, Inc., which agreements are incorporated herein by reference.
3. Resolution of any remaining and open issues of the Baltimore County Department of Environmental Protection and Resource Management in connection with the use of the subject property approved hereby.
4. Egress from the subject property shall be restricted to right hand turns only between the hours of 3:30 p.m. and 6:30 p.m.
5. The existing large oak tree in the front yard of the subject property shall be preserved from negative impacts resulting from the use of the subject property approved hereby.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/1/99
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 6, 1999

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Falls Road, approx. 830' NW of the c/l Greenspring Valley Road Extended
(10829 Falls Road)
8th Election District - 3rd Councilmanic District
James and Kathryn Samuel, Owners; Consolidated Equities Corp., Contr. Pur. - Petitioners
Case No. 99-197-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter.
The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file
an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For
further information on filing an appeal, please contact the Zoning Administration and
Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. James E. Samuel, 10829 Falls Road, Lutherville, Md. 21093
Mr. Robert Becker, Consolidated Equities, Corp.
3655 A Old Court Road, Suite 5, Baltimore, Md. 21208
Mr. Robert L. Williams
10901 Falls Road, Lutherville, Md. 21093
People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10829 Falls Rd.
which is presently zoned OR-1 & R.C. 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

REQUESTED RELIEF:

Approval, pursuant to BCZR Sec. 409.8.B and 500.7, to permit business parking on 0.415 acres of land, more or less which is split -zoned OR-1 and R.C. 5.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Consolidated Equites Corp.
Name - Type or Print
[Signature]
Signature
3655 A Old Court Rd., #5 410-653-8855
Address Telephone No.
Baltimore, MD 21208
City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print
[Signature]
Signature
Levin & Gann
Company
305 W. Chesapeake Ave., Ste 113 410-321-0600
Address Telephone No.
Powson, MD 21204
City State Zip Code

Legal Owner(s):

JAMES E. SAMUEL
Name - Type or Print
[Signature]
Signature
Kathleen H. Samuel
Name - Type or Print
[Signature]
Signature
10829 Falls Rd. 410-494-1914
Address Telephone No.
Lutherville, MD 21093
City State Zip Code

Representative to be Contacted:

Robert B. Becker
Name
3655 A Old Court Rd. #5 410-653-8855
Address Telephone No.
Baltimore, MD 21208
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By UCR Date 11-10-98

Case No. 99-197-SPH

DROP OFF - No Review

ORDER RECEIVED FOR FILING

Date 11/15/98
By *[Signature]*

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

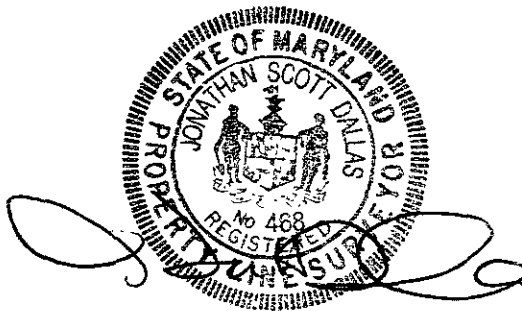
13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION OF O R - 1 PORTION OF #10829 FALLS ROAD

BEGINNING at a point in Falls Road, variable width, at the distance of 690 feet, more or less north of the centerline of Greenspring Valley Road, as intended to be widened to 80 feet, said point being on the existing R.C. 5 / OR-1 zoning division line, thence running with and binding in said Falls Road (1) South 12 degrees 12 minutes 30 seconds East 42.19 feet thence running in said Falls Road (2) South 75 degrees 48 minutes 30 seconds West 12.27 feet and (3) South 15 degrees 08 minutes 49 seconds East 25.16 feet thence leaving said Falls Road and running (4) North 75 degrees 48 minutes 30 seconds East 52.47 feet thence (5) North 13 degrees 59 minutes 15 seconds West 25.16 feet thence (6) North 75 degrees 48 minutes 30 seconds East 113.13 feet thence (7) North 18 degrees 49 minutes 50 seconds West 35.26 feet to intersect said existing R.C. 5/ OR -1 zoning division line thence running with and binding along said zoning division line (4) South 78 degrees 29 minutes 27 seconds West 149.69 feet to the place of beginning of beginning.

CONTAINING 7188 square feet or 0.165 acres of land, more or less.

ALSO known as # 10829 Falls Road and located in the 8th Election District, 3rd Councilmanic District.



99-197-SPH

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

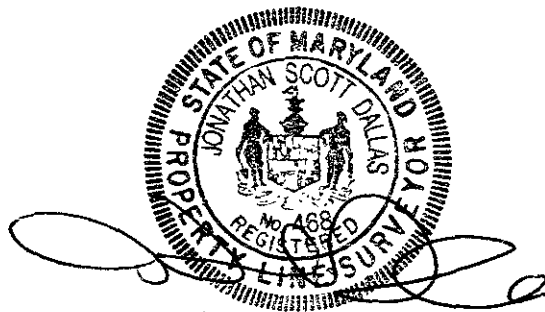
13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION OF R. C. 5 PORTION OF #10829 FALLS ROAD

BEGINNING at a point in Falls Road, variable width, at the distance of 690 feet, more or less north of the centerline of Greenspring Valley Road, as intended to be widened to 80 feet, said point being on the existing R.C. 5 / OR-1 zoning division line, thence running with and binding in said Falls Road (1) North 12 degrees 12 minutes 30 seconds West 54.04 feet thence leaving said Falls Road and running (2) North 64 degrees 10 minutes 10 seconds East 159.56 feet thence (3) South 02 degrees 29 minutes 50 seconds East 57.37 feet thence (4) South 18 degrees 49 minutes 50 seconds East 37.15 feet to intersect said existing R.C. 5/ OR -1 zoning division line thence running with and binding along said zoning division line (5) South 78 degrees 29 minutes 27 seconds West 149.69 feet to the place of beginning of beginning.

CONTAINING 10889 square feet or 0.250 acres of land, more or less.

ALSO known as # 10829 Falls Road and located in the 8th Election District, 3rd Councilmanic District.



99-197-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 059233

DATE 2 Oct 98 ACCOUNT R-CC1-6150

AMOUNT \$ 200.00

RECEIVED
FROM:

Miscellaneous Roseanne, LLP

FOR:

Commercial Parking in a Ben Zone
10829 Falls Road

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME

10/02/1998 10/02/1998 11:38:16

REF 0505 CASHIER LEMI LXS DRAWER 5

5 MISCELLANEOUS CASH RECEIPT

Receipt # 077799

CR NO. 059233

09/11

200.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056208

DATE 10-30-98 ACCOUNT R-CC1 6150

AMOUNT \$ 40.00

RECEIVED
FROM:

Robert Williams

FOR:

Thomas Brown Building

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME

10/30/1998 10/30/1998 10:00:00

REF 0506 CASHIER MUEL WPU DRAWER 5

5 MISCELLANEOUS CASH RECEIPT

Receipt # 056159

CR NO. 056208

09/11

40.00 CASH

Baltimore County, Maryland

CASHIER'S VALIDATION

**BALTIMORE COUNTY, MA AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 061027

DATE 11/10/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Consolidated Equities Corp.

FOR: COMMERCIAL SPECIAL HEARING Item #197

10829 Falls Road

Drop-Off — No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
11/12/1998 11/10/1998 15:46:21
REG WS03 CASHIER PUES PEW DRAWER 7
5 MISCELLANEOUS CASH RECEIPT
Receipt # 065643 OFLN
CR NO. 061027

250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-197-SPH
10829 Falls Road
NE/S Falls Road, approx. 830'
NW of centerline Greenspring
Valley Road (extended)
8th Election District
3rd Councilmanic District
Legal Owner(s): James E.
Samuel & Kathryn H. Samuel
Contract Purchaser: Consoli-
dated Equities Corp.

Special Hearing: to permit
business parking in OR-1 and
R.C.-5 zones.

Hearing: Wednesday, De-
cember 23, 1998 at 2:00
p.m., in Room 106, County
Office Building, 111 West
Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

12/036 Dec. 3 C277182

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/31, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 12/31, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

99-197-SPH



FORMAL DEMAND FOR HEARING

CASE NUMBER: _____
Address: 10829 Falls Road, Lutherville MD. 21093
Petitioner(s): JAMES & KATHLEEN H. SANCHEZ

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Mr. Robert L. Williams
Name - Type or Print

☒ Legal Owner OR ☒ Resident of

10901 Falls Road
Address

Lutherville MD. 21093
City State Zip Code

HOME - (410) 821-7350 - Work (410) 944-3600
Telephone Number

which is located approximately 300 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Robert L. Williams Oct 20, 1998
Signature Date

Signature
Revised 9/18/98 - wcr/scj

Date

CERTIFICATE OF POSTING

BUILDING PERMIT
RE Case No: #10829 FALLS ROAD
Petitioner/Developer: R. BECKER, ETAL

Date of Hearing/Closing: 10/19/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #10829 FALLS RD.

The sign(s) were posted on

10/4/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 10/12/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

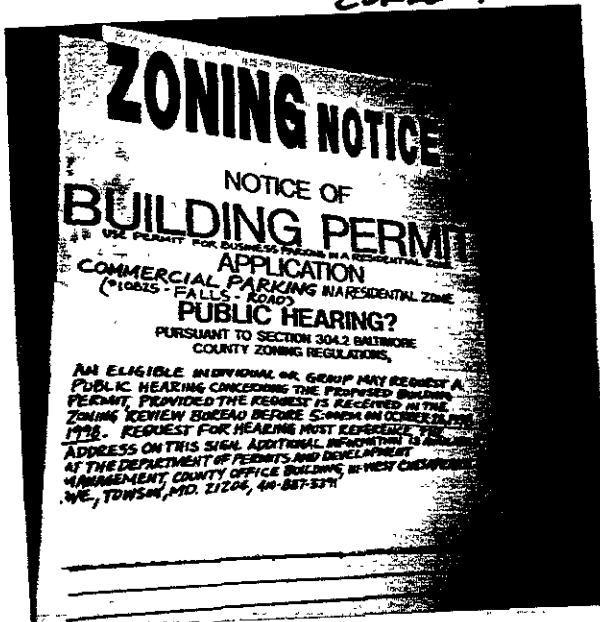
HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)

CORRECTED



R. BECKER - 653-2600 F-2603
10829 - FALLS ROAD a. 10/19/98
POSTED 10/4/98
ADD 15 DAYS - CLOSE 10/19/98

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A USE PERMIT FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

Zoning Administration and Development Management (ZADM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Use Permit has been reviewed and is accepted for filing by
Kate M. [unclear] on 2 Oct 98
(name of planner) Date (A)

A sign indicating the proposed Use Permit must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of posting is \$35.00 per sign and processing \$200.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 13 Oct 98 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 28 Oct 98 C (B-3 Work Days)

TENTATIVE DECISION DATE 2 Nov 98 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

USE-PARK
Revised 1/4/95

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 197

Petitioner: Consolidated Equities Corp.

Address or Location: 10829 Falls Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Howard L. Alderman, Jr., Esquire

Address: 305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204

Telephone Number: 410-321-0600

Revised 2/20/98 - SCJ

99-197-JPH

Date to be posted: Anytime before but no later than 13 Oct 98

Request for Use Permit: Class A Child Care, Parking, Undersized Lot, Farmer's Roadside Stand

Format for Use Permit Sign, Black Letters on White Background:

ZONING NOTICE

BUILDING PERMIT APPLICATION

USE PERMIT TO PERMIT COMMERCIAL
PARKING IN A RESIDENTIAL ZONE

PUBLIC HEARING ?

PURSUANT TO SECTION 304.4, BALTIMORE COUNTY REGULATIONS,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED BUILDING PERMIT, PROVIDED THE REQUEST
IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

REQUEST FOR HEARING MUST REFERENCE THE ADDRESS ON THIS SIGN.
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST
CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-197-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO PERMIT
BUSINESS PARKING IN OR-1 AND
R.C.-5 ZONES.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
December 3, 1998 Issue – Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esquire 410-321-0600
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

NOTICE OF ZONING HEARING

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CASE NUMBER: 99-197-SPH

10829 Falls Road

NE/S Falls Road, approx. 830' NW of centerline Greenspring Valley Road (extended)

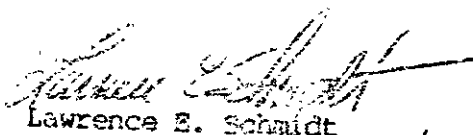
8th Election District – 3rd Councilmanic District

Legal Owner: James E. Samuel & Kathryn H. Samuel

Contract Purchaser: Consolidated Equites Corp.

Special Hearing to permit business parking in OR-1 and R.C.-5 zones.

HEARING: Wednesday, December 23, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 23, 1998

NOTICE OF ZONING HEARING

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CASE NUMBER: 99-197-SPH

10829 Falls Road

NE/S Falls Road, approx. 830' NW of centerline Greenspring Valley Road (extended)

8th Election District – 3rd Councilmanic District

Legal Owner: James E. Samuel & Kathryn H. Samuel

Contract Purchaser: Consolidated Equites Corp.

Special Hearing to permit business parking in OR-1 and R.C.-5 zones.

HEARING: Wednesday, December 23, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Howard L. Alderman, Jr., Esquire
Kathryn H. & James E. Samuel
Consolidated Equites Corp.
Robert B. Becker

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 8, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



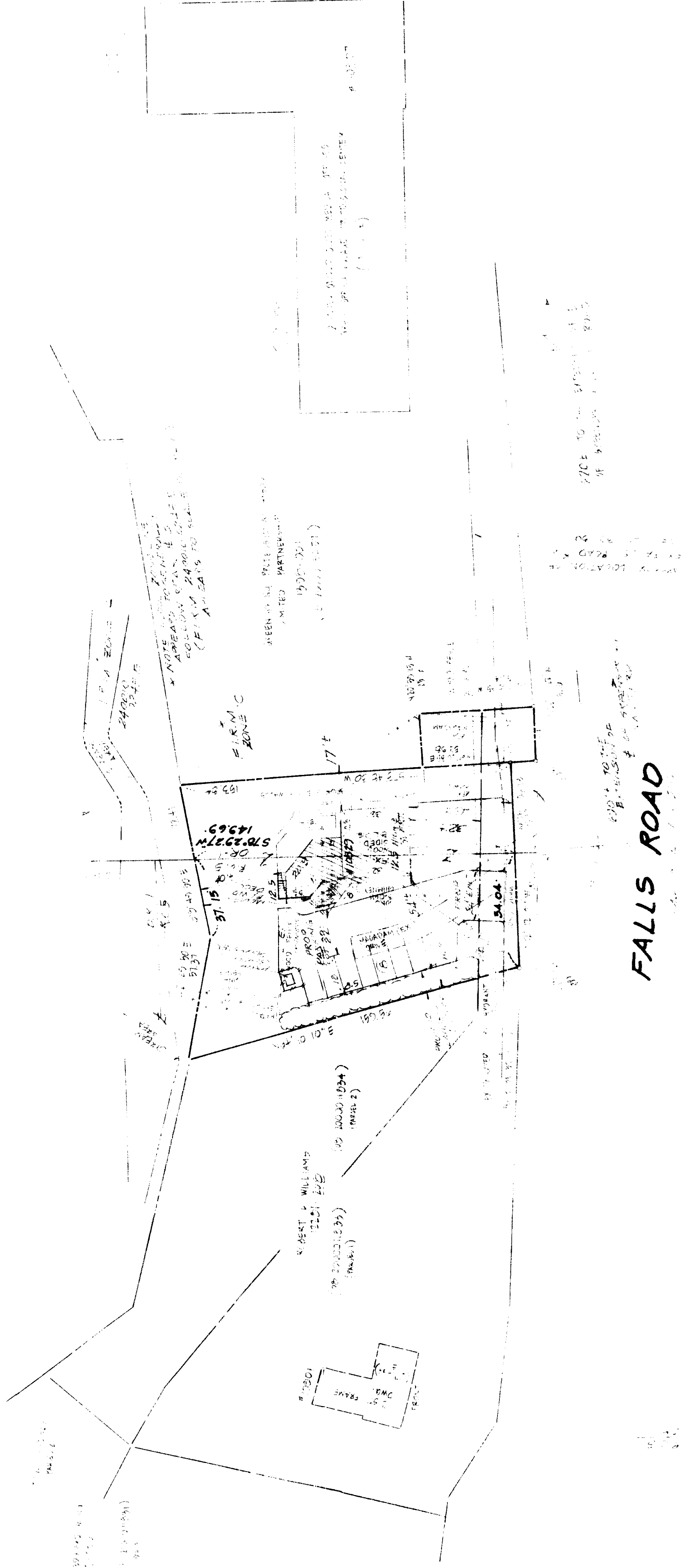
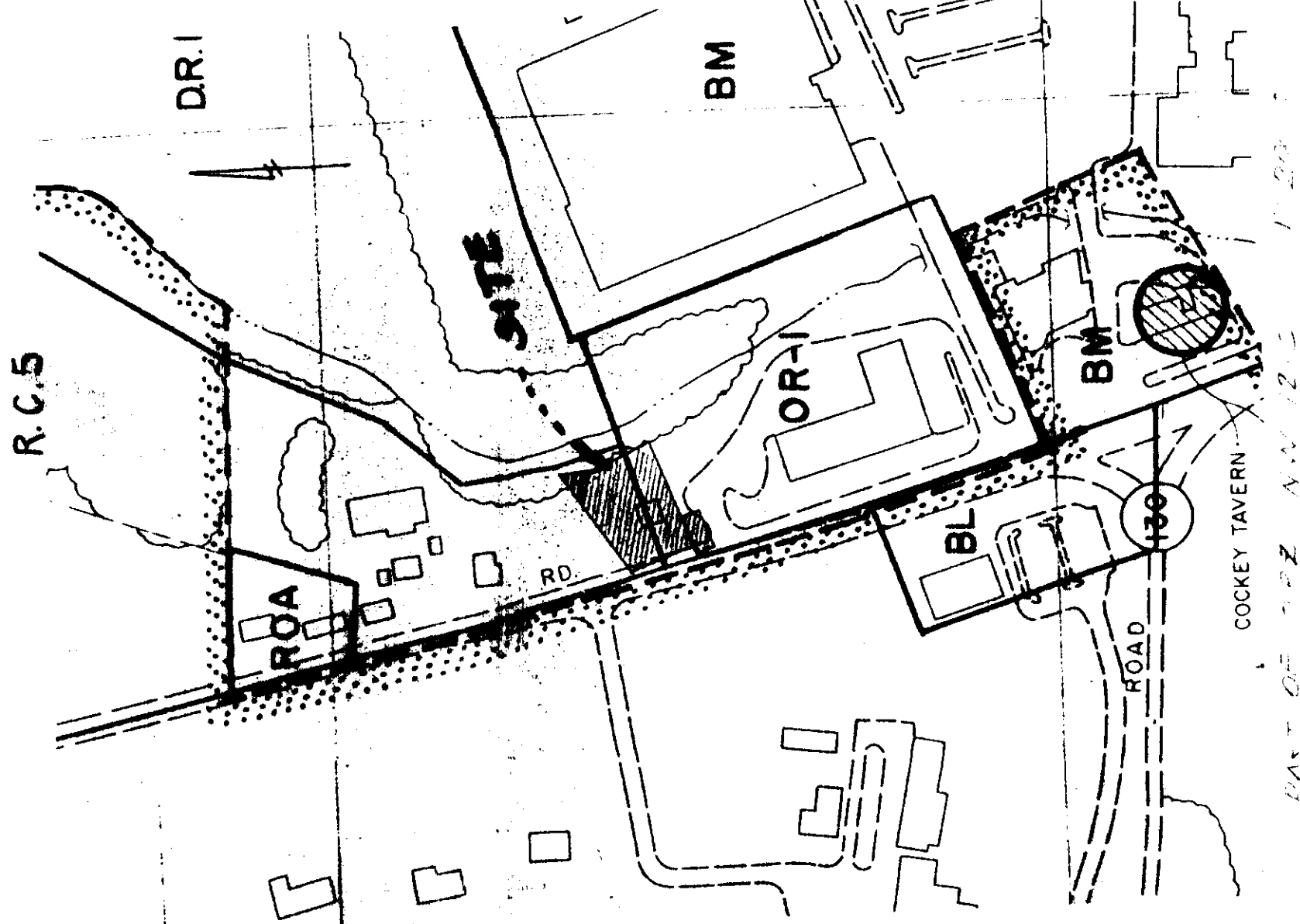
Printed with Soybean Ink
on Recycled Paper

NOTES:

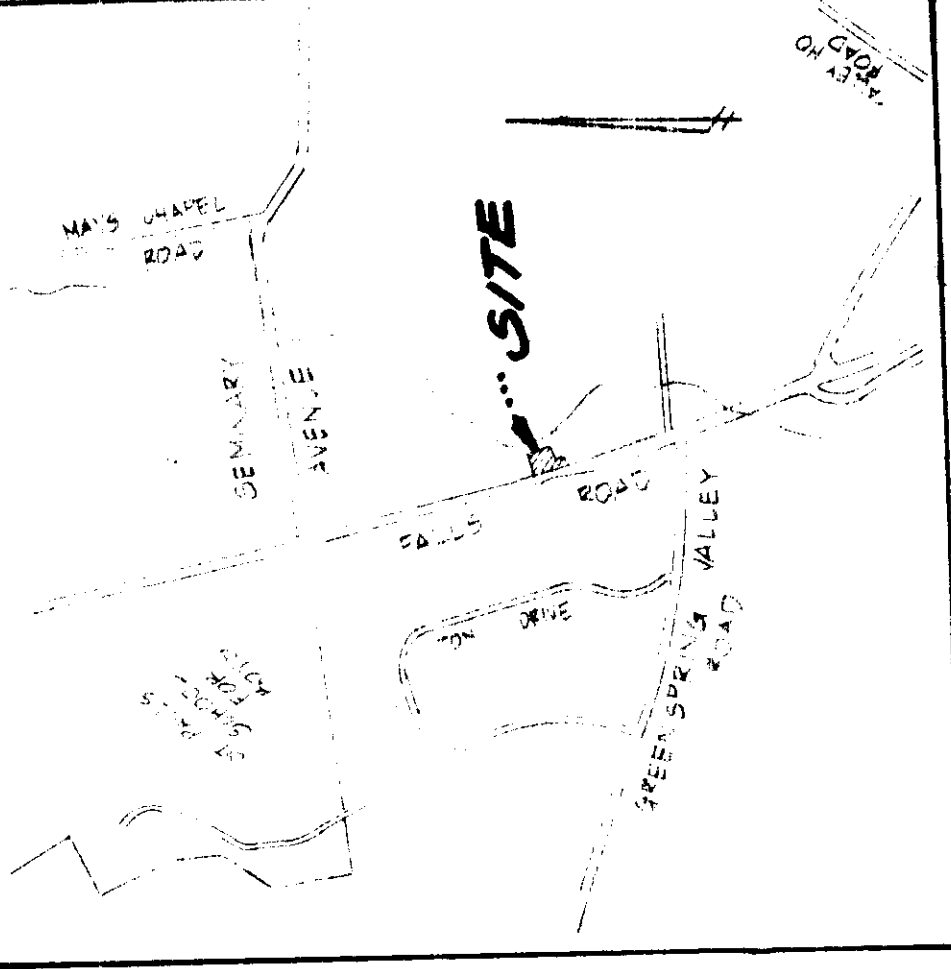
1. OWNER : JAMES E. SAMUEL AND KATHRYN H. SAMUEL. DEED REF. : 6996222
2. CONTRACT PURCHASER: CONSOLIDATED EQUITIES CORPORATION
3635A OLD COURT ROAD SUITE 5
BALTIMORE, MARYLAND 21208
410-632-8855
3. EXISTING ZONING OF PROPERTY : OR-1 AND R.C. 5
4. EXISTING USE OF BUILDING : RESIDENTIAL OFFICES
5. PROPOSED USE OF BUILDING : RESIDENTIAL OFFICES
6. FLOOR AREA RATIO : TOTAL SITE : 1540 SF / 1807 SF = 0.149
FLOOR AREA RATIO : OR-1 : 1540 SF / 7188 SF = 0.214
FLOOR AREA RATIO : R.C. 5 : 1807 SF / 10885 SF = 0.166
7. TOTAL SITE AREA : 1807 SF ± = 0.415 AC ±
OR-1 AREA : 1807 SF ± = 0.415 AC ±
R.C. 5 AREA : 1807 SF ± = 0.415 AC ±
8. UTILITIES SHOWN ARE BASED ON REFERENCED PLANS.
9. STREAM AS SHOWN HEREON PER FIELD LOCATION.

PARKING NOTES:

1. PARKING SPACES SHALL BE STRIPED. PARKING LOT SHALL BE PAVED WITH A DURABLE, DUSTLESS SURFACE. SHALL BE PROVIDED IN ACCORDANCE WITH BALTIMORE COUNTY PARKING REQUIREMENTS
2. LANDSCAPING AND SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH BALTIMORE COUNTY LANDSCAPING REQUIREMENTS
3. STALLS SHALL BE 8.5' X 18'. HANDICAPPED SPACE SHALL BE 8.5' X 18'. STALLS SHALL BE 12' X 18'.
4. ANY FUTURE USED TO ILLUMINATE OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREET
5. PROPOSED 24' WIDE ENTRANCE SUBJECT TO APPROVAL OF THE STATE HIGHWAY ADMINISTRATION
6. REQUIRED PARKING FOR GENERAL OFFICE = 1540 SF / 3.31/1808 = 6 SPACES REQ'D. (1540 SF / 3.31/1808 = 6 SPACES REQ'D.)
7. CURBING OR ANCHORED WHEEL STOPS SHALL BE PROVIDED AROUND PARKING LOT.



FALLS ROAD



VICINITY MAP

J.S. DALLAS, INC.
Surveying & Engineering
13523 Long Green Pike
Baltimore, MD. 21013
(410) 817-4600

[Signature]

SITE PLAN TO ACCOMPANY APPLICATION FOR USE PERMIT
FOR BUSINESS PARKING IN A RESIDENTIAL ZONE
10829 FALLS ROAD
8TH FL. DIST. 3RD COUNCIL DIST. BALTIMORE CO., MARYLAND
SCALE : 1" = 30'
SEPTEMBER 29, 1998

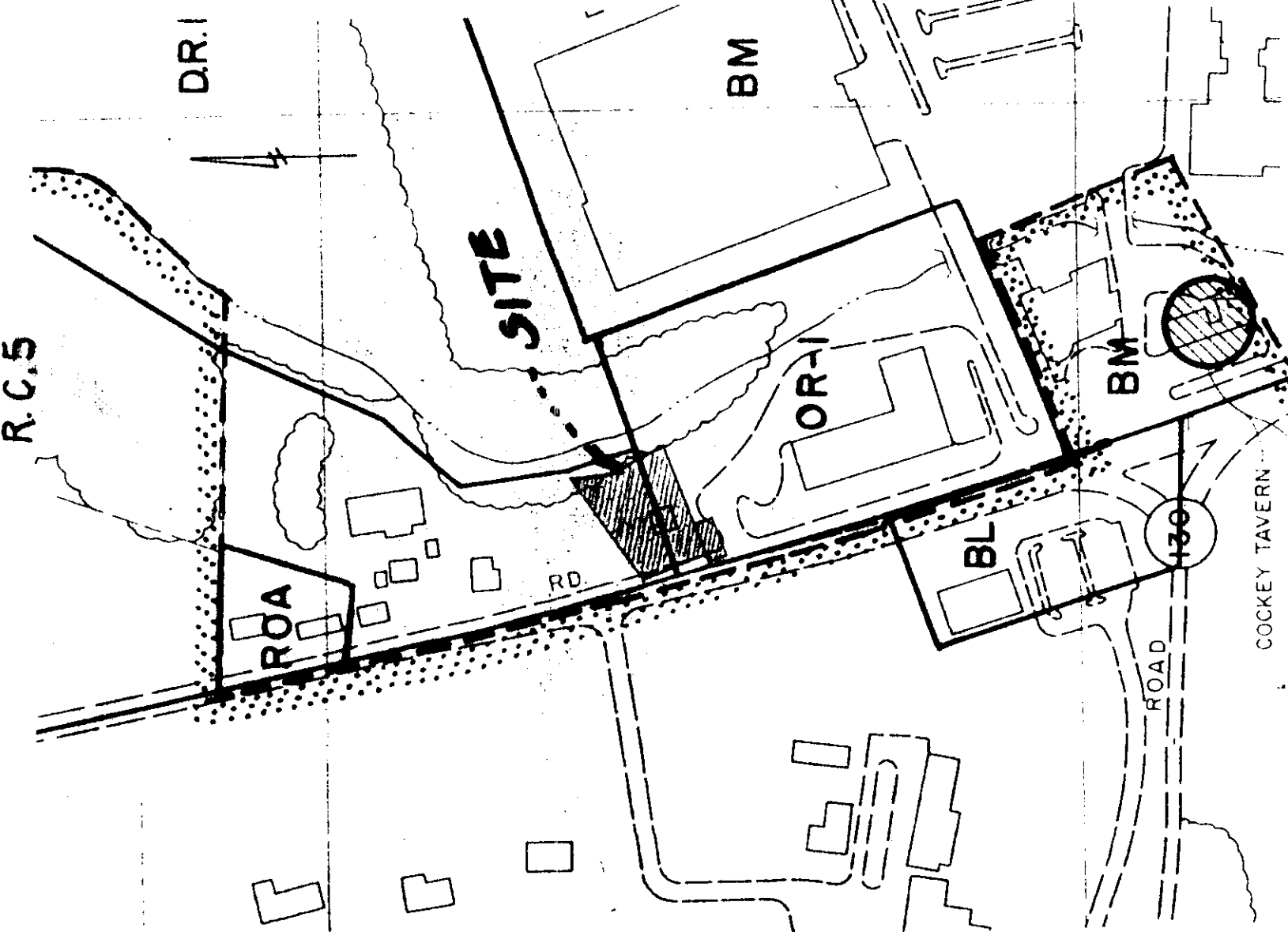
NOTES

- OWNER: JAMES E. SAMUEL AND KATHRYN H. SAMUEL DEED REF. 696222
- CONTRACT PURCHASER: CONSOLIDATED EQUITIES CORPORATION 363A OLD COURT ROAD SUITE 5 BALTIMORE, MARYLAND 21208 410-631-9835
- EXISTING ZONING OF PROPERTY: OR-1 AND R.C. 5
- PROPOSED USE OF BUILDING: GENERAL OFFICES
- FLOOR AREA RATIO: TOTAL SITE: 2700 SF / 1807 SF = 0.149
- FLOOR AREA RATIO: OR-1: 1546 SF / 7188 SF = 0.214
- FLOOR AREA RATIO: R.C. 5: 1160 SF / 10888 SF = 0.106
- TOTAL SITE AREA: 1807 SF = 0.415 AC +/-
- TOTAL OR-1 AREA: 1546 SF = 0.353 AC +/-
- TOTAL R.C. 5 AREA: 1160 SF = 0.265 AC +/-
- UTILITIES HEREON PER REFERENCED PLANS
- STREAM AS SHOWN HEREON PER FIELD LOCATION.

ADDD. NOTES

PARKING NOTES

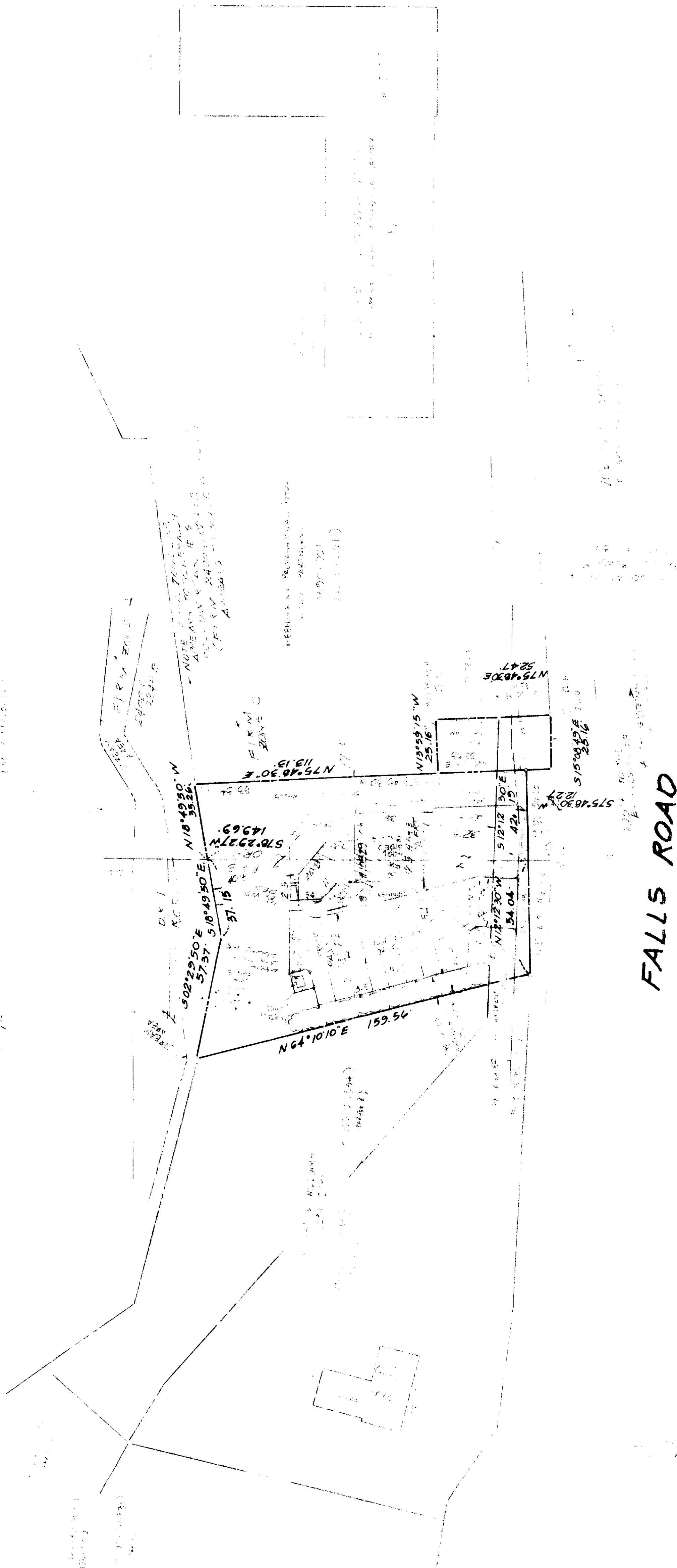
- PARKING SPACES SHALL BE STRIPED. PARKING LOT SHALL BE PAVED WITH A DURABLE, DUSTLESS SURFACE.
- LANDSCAPING AND SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH BALTIMORE COUNTY LANDSCAPE REQUIREMENTS.
- STANDARD SPACES SHOWN SHALL BE 8.5' X 18'. HANDICAPPED SPACE SHOWN SHALL BE 12' X 18'.
- SPACES SHALL BE TO ILLUMINATE OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREET.
- PROPOSED 24' WIDE ENTRANCE SUBJECT TO APPROVAL OF THE STATE HIGHWAY ADMINISTRATION.
- PARKING CALCULATIONS:
OR-1 FLOOR AREA = 1475 SF
REQUIREMENT: 1 SPACE/1000 SF
TOTAL REQUIRED PARKING = 10 SPACES
PROPOSED PARKING = 8 SPACES
CURBING OR ANCHORED WHEEL STOPS SHALL BE PROVIDED AROUND PARKING LOT.
- SITE IS NOT IN C.B.C.A.
- THERE IS NO KNOWN ZONING HISTORY FOR THE SUBJECT PROPERTY.
- PROPOSED SIGNAGE WILL COMPLY WITH APPLICABLE REGULATIONS.



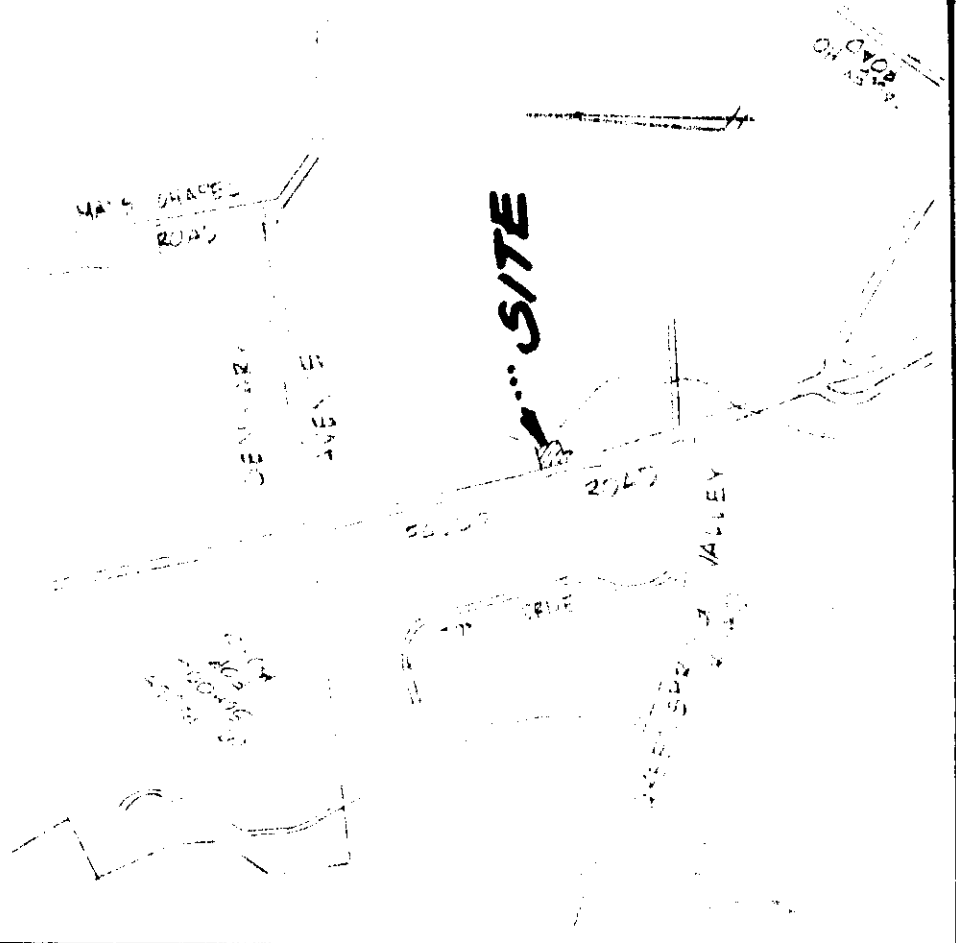
J.S. DALLAS, INC.

Surveying & Engineering
13123 Long Green Pike
Baltimore, MD. 21013
(410) 817-4600

[Signature]



FALLS ROAD



**PETITIONER'S
EXHIBIT NO. 1**

99-197-SPH

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND
APPLICATION FOR USE PERMIT FOR BUSINESS PARKING IN A
RESIDENTIAL ZONE

10829 FALLS ROAD
8th ELEC. DIST. 3rd CONC. DIST. BALTIMORE COUNTY, MD.
OCTOBER 22, 1998
SCALE: 1" = 30'

- NOTES:
1. OWNER : JAMES E. SAMUEL AND KATHRYN H. SAMUEL. DEED REF : 6996-2322
2. CONTRACT PURCHASER: CONSOLIDATED EQUITIES CORPORATION
5654 OLD COURT ROAD
BIRMINGHAM, ALABAMA 35208
3. EXISTING ZONING OF PROPERTY: OR, I, AND R, C, S
4. EXISTING USE OF BUILDING: RESIDENCE
5. PROPOSED USE OF BUILDING: GENERAL OFFICES
6. FLOOR AREA RATIO: TOTAL SITE: $\frac{158,247}{1,907,571} = 0.083$
FLOOR AREA RATIO: OR - I: $\frac{158,247}{1,907,571} = 0.083$
FLOOR AREA RATIO: OR - I: $\frac{158,247}{1,907,571} = 0.083$
7. TOTAL SITE AREA: 1,907,571 sq. ft. = 0.022
OR - I AREA: 7188 sq. ft. = 0.05 AC. --
R.C.S. AREA: 10,889 sq. ft. = 0.250 AC. --
8. UTILITIES SHOWN PER REFERENCED PLANS
9. STREETS: HERBON HERBON PER FIELD LOCATION.
10. SITE IS NOT IN C.A.
11. THERE IS NO KNOWN ZONING HISTORY FOR THE SUBJECT PROPERTY.
12. PROPOSED SURVEYOR WILL COMPLY WITH APPLICABLE REGULATIONS
- 7

12/14/98
8
wcr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 10, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 10829 Falls Road

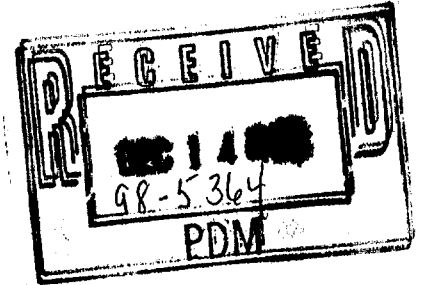
INFORMATION:

Item Number: 197

Petitioner: Consolidated Equities Corp.

Zoning: OR-1 & RC-5

Requested Action: Special Hearing



SUMMARY OF RECOMMENDATIONS:

The applicant seeks approval, pursuant to Sections 409.8.B and 500.7 of the Baltimore County Zoning Regulations, to permit business parking on 0.415 acres of land split zoned OR-1 and RC-5.

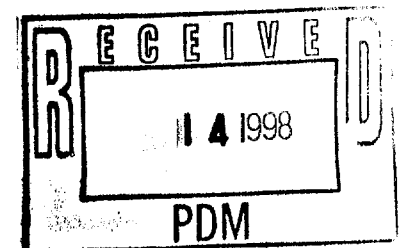
The property was part of an area of land rezoned as part of the 1984 Comprehensive Zoning Map Process. As a result of the map's adoption, the instant property became split zoned O-1 (now OR-1) and RC-5, and, more specifically, the zone line dividing the two zones was plotted directly through the structure which is currently proposed to be used for office purposes. This zoning anomaly has created an obvious hardship that presents challenges in terms of attempting to develop a reasonable use of the subject property. Therefore, the Office of Planning recommends the applicant's request be granted subject to the following conditions:

- 1) Ability to satisfy any areas of concern identified by DEPRM;
- 2) ~~Use of porous paving to reduce impervious surfaces;~~
- 3) Preservation of the large oak tree in the front yard;
- 4) Restrict egress from the site to right hand turns only between the hours of 3:30 p.m. to 6:00 p.m.; and

- ~~5) The petitioner should provide additional landscape buffering on the residential property to the north. The proposed 10-foot buffer is insufficient.~~

Section Chief: Jeffrey W. Long

AFK/JL:





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 11.23.98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 197 WCR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 8, 1998

FROM: Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for November 30, 1998
 Item No. 197

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Flood plain studies will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

The 100-year flood plain shall be dedicated to Baltimore County in-fee or as an easement, at no cost to the County.

In accordance with Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited.

RWB:HJO:jrb

cc: File

ZONE1130.197

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: December 7, 1998

TO: Arnold Jablon
FROM: R. Bruce Seeley *MS*
SUBJECT: Zoning Item #99-197-SPH

10829 Falls Road

Zoning Advisory Committee Meeting of

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- ☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- ☒ GWM: Prior to approval of any building permits, a Zabel filter must be added to the outlet pipe in the septic tank. It is also recommended that the septic tank be pumped and cleaned at that time.



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

November 29, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 23, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

196, (197) 198, 203, 204, and 205

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



RE: PETITION FOR SPECIAL HEARING
10829 Falls Road, NE/S Falls Rd, appx. 830' NW of
c/l Greenspring Valley Rd extended, 8th Election
District, 3rd Councilmanic

Legal Owners: James and Kathryn Samuel
Contract Purchaser: Consolidated Equities Corp.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-197-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Call 887-3391 for an appointment to file this application.

**APPLICATION, (PROTESTANT'S) PUBLIC HEARING REQUEST
AND ZONING COMMISSIONER'S ORDER
FOR A USE PERMIT FOR
BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE**

The applicant must provide all fees, 3 of these completed application forms with original signatures and 6 copies of a site plan meeting minimum acceptable standards for zoning review as determined by the staff. The non-residential property zoning hearing checklist for these standards may be used as a guide. Sealed plans are not necessary, unless required by the staff.

APPLICATION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JAMES E. + KATHRYN H. SAMUEL legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made part hereof, hereby petition for a use permit under Section 409.8B of the Baltimore County Zoning Regulations (BCZR), to determine whether or not the Zoning Commissioner should issue a use permit. Said use permit is necessitated to permit the use of land in a residential zone for business or industrial parking facilities to meet the requirements of Subsection 409.6.

Property is to be posted and I, or we, agree to pay expenses of processing and posting upon filing of this request, additional public hearing and reposting fees if I decide to proceed after a protestant's public hearing request and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

10/1/98

Date

10829 Falls Rd

Address (type or print)

Luthersville Mo 21593

City

Zip Code

[Signature]
Legal Owner(s) Signature(s)

Kathryn H. Samuel
Legal Owner(s) Signature(s)

Phone Number - Work 410-788-0600
Home 410-494-1914

PUBLIC HEARING REQUEST

I, or we, _____ request that the proposed Use Permit be the subject of a public hearing as provided for in Section 409.8.B.8.(D) of the Baltimore County Zoning Regulations (BCZR). I also agree to pay the current established processing fee for this public hearing request.

Date

Address (type or print)

Protestant(s) Signature(s)

City

Zip Code

Protestant(s) Signature(s)

Phone Number - Work
Home

ORDER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 4, 1998

Mr. & Mrs. James E. Samuel
10829 Falls Road
Lutherville, MD 21093

Dear Mr. & Mrs. Samuel:

RE: Demand for Public Hearing, Business or Industrial Parking in a Residential Zone,
10829 Falls Road, 8th Election District

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand for a public hearing on October 29, 1998 concerning your business or industrial parking in a residential zone. I regret to inform you that we are withholding approval of your use permit because it has been superseded by a demand for a public hearing, pursuant to Section 409.8.B.1. of the Baltimore County Zoning Regulations (BCZR).

If you wish to proceed with your request, you must file for a zoning special hearing (public hearing) without delay. The filing fee is \$250.00 and you will be billed later for the advertising. The property must be reposted with the hearing date, time, and location. I am enclosing the filing procedure, including the required forms and checklist, and when completed, you should call 410-887-3391 for an appointment to file your petition. A revised scaled site plan must be submitted, in accordance with the checklist.

If you decide to withdraw your request, please notify us in writing within 30 days using the above captioned reference so that the use permit file can be closed. If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "CAM", with a stylized flourish at the end.

Catherine A. Milton
Planner II
Zoning Review

CAM:scj

Enclosures

c: Protestants – Robert Williams

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 10, 1998

Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

Dear Mr. Alderman:

RE: Drop-Off Petition, 10829 Falls Road, Case Number 99-197-SPH

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "WCR / scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

November 30, 1998

Howard L. Alderman, Esquire
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Drop-Off Revision Review Case #99-197-SPH, 10829 Falls Road

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Need printed or typed name and title of person signing for Contract
Purchaser.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Alexander", is written over the word "Sincerely,".

John R. Alexander
Planner II
Zoning Review

JRA:cjs

Enclosure (receipt)

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Consolidated Equities Corporation

3655 A Old Court Road, Suite 5
Baltimore, Maryland 21208

410-653-8855
fax 410-653-2603

FACSIMILE TRANSMITTAL

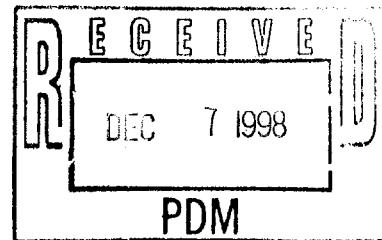
To: Mr. Robert L. Williams **Fax:** 410-944-5154

From: Robert B. Becker, MAI **Date:** Monday, December 07, 1998, 9:54 AM

Re: 10829 Falls Road **Pages:** 4 (Including Cover Sheet)

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

The information contained in this facsimile message is client **PRIVILEGED AND CONFIDENTIAL**. It is intended only for the individual or entity named in this transmission sheet. If the reader of this message is not the intended recipient, you are hereby notified that dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address above via the U.S. Postal Service. Upon request, we will reimburse you for any cost of return. Thank You.



.....

99-197-SPH

CONSOLIDATED EQUITIES CORPORATION**3655 A OLD COURT ROAD, SUITE 5
BALTIMORE, MARYLAND 21208**

Tel: 410.653.8855

Fax: 410.653.2603

December 6, 1998

Mr. Robert L. Williams
10901 Falls Road
Lutherville, Maryland 21093

RE: 10829 Falls Road
Brooklandville, Md.

Dear Mr. Williams:

In accordance with our conversations over the last couple of months, and most recently December 4, 1998, I am writing this letter to memorialize the terms of an agreement between you, Robert L. Williams, your heirs, beneficiaries or assigns, as the current owner of the property located at 10901 Falls Road, "*Williams Property*", and Consolidated Equities Corp., as "*Purchaser*", of 10829 Falls Road, the "*Subject Property*". The *Subject Property* is represented by a .415 acre (18,077sq.ft.) parcel of land that is improved with a one and two-story masonry and frame dwelling originally constructed in 1927 and expanded over the years to its current size of approximately 2,700 gross sq.ft. The *Subject Property* is currently being used as a residence.

Background

Purchaser, or its assigns, is under a contract of sale to purchase the *Subject Property* and plans to convert the existing residence to office use. The property is currently split zoned OR-1 and RC-5 with the zoning line bisecting the land in an east to west direction. This is complicated by the fact that the zoning line passes approximately midway through the improvements, which are proposed for use change. The *Purchaser*, in conjunction with its plans to convert the residence to an office, has requested a special use permit from Baltimore County to park commercial vehicles in a residential zone, which you appealed citing environmental, commercial encroachment and nuisance issues.

Cognizant of the sensitivity of commercial expansion in this area and in efforts to gain support for re-use of the subject property the *Purchaser* has reached an agreement with The Falls Road Community Association ("FRCA") which is now being drafted. In summary, to address the issue of commercial expansion the *Purchaser* has agreed to

provide covenants to protect the *Subject Property* from redevelopment beyond that which currently exist. With respect to environmental issues, the purchaser has hired an ecologist, selected by FRCA, to oversee site changes with specific focus on protection of the stream which forms the eastern boundary of the property. A copy of the agreement with FRCA and the accompanying covenants will be provided you upon their completion.

This brings us to the *Agreement* which ties the previous issues to the proximity of the proposed office use to your property which abuts to the north.

Agreement

1. *Purchaser* agrees to finalize and sign the agreement reached with *FRCA* and at closing record the covenants as summarized above.
2. To minimize any nuisance of the proposed use on *Williams Property*, *Purchaser* agrees to plant a screen of 8 ft. white pine trees along the southern boundary of *Williams Property*. More specifically, this screen will extend from the Falls Road setback line on the west to the proposed retaining wall on the east. This retaining wall is being constructed on the *Subject Property* to assist in creating an area suitable for support parking.
3. Robert L. Williams, the current owner of the *Williams Property* agrees to dismiss the appeal made against the request for special use permit filed by the *Purchaser* in conjunction with the proposed change of use. This must be accomplished no later than the close of business Monday December 7, 1998 with the appropriate verification faxed to *Purchaser* upon completion.
4. Robert L. Williams further agrees not to file any further appeals or interfere or oppose in any way with *Purchasers* proposed plans to proceed with re-use of the subject property for office. This would include *Purchasers* plan to seek rezoning at the Cycle 5, and if need be Comprehensive rezoning process to extend the zoning line to the northern boundary of the building.
5. In the event Robert L. Williams, his heirs, beneficiaries or assigns, should enter into a contract to sell the *Williams Property* prior to *Purchaser* obtaining rezoning for the balance of the residence, then this agreement shall become a part of that contract and the theoretical purchaser would be bound by the same terms as set forth here.

This agreement is obviously conditional on our closing of the *Subject Property* and would become null and void if this is not accomplished.

Mr. Robert L. Williams
Page 3

Robert, we appreciate your willingness to work together to resolve our differences. I am confident that you will find our reuse of the property to be an enhancement to the neighborhood. Please sign below to memorialize the terms of our understanding.

Sincerely,

CONSOLIDATED EQUITIES CORP.



Robert S. Barker, MAI

AGREED AND ACCEPTED

Witness:

Owner, 10901 Falls Rd.

Robert L. Williams

RBB/kg

r:\users\main\fallsrd\williams

11/17/98
8
TO SCL - OK

ELLIS LEVIN (1893-1960)

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
TWO HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

HOWARD L. ALDERMAN, JR.
halderman@counsel.com

November 16, 1998

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Arnold Jablon, Director Consolidated Equities, Inc.	410-887-5708 410-653-2603

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

CLIENT/MATTER: 10829 Falls Road

COMMENTS: **Arnold: any consideration that you could afford my clients for an early hearing date would be most appreciated. Thanks.**

[x] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

985172

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BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
TWO HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-339-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
Halderman@counsel.com

November 16, 1998

VIA TELEFAX ONLY

Arnold Jablon, Director
Department of Permits & Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: 10829 Falls Road, Case No. 99-197-SPH
Request for Expedited Hearing

Dear Mr. Jablon:

In the interest of time, this letter is being faxed to you directly from my computer at home; an original will not be mailed. I represent the Petitioners in the above-referenced case, who sought, by way of the Use Permit process, to secure commercial parking in a residential zone. The contract purchasers, also my clients, moved forward with their contract when no appeal was likely. Unfortunately, an appeal of the Use Permit was made by a neighbor on the last day of the appeal period.

My clients met with John Alexander of your staff to review the Petition and Plan prepared for them. Mr. Alexander wanted two modifications that were made and the revised plans were dropped off due to the delay in obtaining a new filing appointment and the fact that the Petition and Plan had already been reviewed.

My clients must settle on the purchase of the property by December 31, 1998. It is imperative that my clients know whether or not the Zoning Commissioner will approve the required parking in the adjoining RC-5 zone. It is, therefore, equally imperative that a hearing be held as quickly as your docket will permit. On behalf of my clients, I respectfully request that you authorize an expedited hearing in this matter.

Should you need any additional information to enable your decision, please do not hesitate to call me.

Very truly yours,

Howard L. Alderman, Jr. [computer generated signature]
Howard L. Alderman, Jr.

HLA/gk
c: Consolidated Equities, Inc.

PLEASE PRINT CLEARLY

PETITIONER'S
~~PROSECUTOR~~ (S) SIGN-IN SHEET

NAME

ROBERT BECHER
HOWARD L. Alderman Jr

ADDRESS

WAS A AD CT B #3. 21208
305 W - Chesapeake Ave #113
Towson 21204

OFFICE: 410-321-0600
HOME: 410-592-2612

FM 296-2201

HOWARD L. ALDERMAN, JR.

Attorney At Law

LEVIN & GANN, P.A.
305 WEST CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204



CONSOLIDATED EQUITIES CORPORATION

3655 A OLD COURT ROAD, SUITE 5
BALTIMORE, MARYLAND 21208

Tel: 410.653.8855

Fax: 410.653.2603

December 6, 1998

PETITIONER'S EXHIBIT NO. 2

Mr. Robert L. Williams
10901 Falls Road
Lutherville, Maryland 21093

RE: 10829 Falls Road
Brooklandville, Md.

Dear Mr. Williams:

In accordance with our conversations over the last couple of months, and most recently December 4, 1998, I am writing this letter to memorialize the terms of an agreement between you, Robert L. Williams, your heirs, beneficiaries or assigns, as the current owner of the property located at 10901 Falls Road, "*Williams Property*", and Consolidated Equities Corp., as "*Purchaser*", of 10829 Falls Road, the "*Subject Property*". The *Subject Property* is represented by a .415 acre (18,077sq.ft.) parcel of land that is improved with a one and two-story masonry and frame dwelling originally constructed in 1927 and expanded over the years to its current size of approximately 2,700 gross sq.ft. The *Subject Property* is currently being used as a residence.

Background

Purchaser, or its assigns, is under a contract of sale to purchase the *Subject Property* and plans to convert the existing residence to office use. The property is currently split zoned OR-1 and RC-5 with the zoning line bisecting the land in an east to west direction. This is complicated by the fact that the zoning line passes approximately midway through the improvements, which are proposed for use change. The *Purchaser*, in conjunction with its plans to convert the residence to an office, has requested a special use permit from Baltimore County to park commercial vehicles in a residential zone, which you appealed citing environmental, commercial encroachment and nuisance issues:

Cognizant of the sensitivity of commercial expansion in this area and in efforts to gain support for re-use of the subject property the *Purchaser* has reached an agreement with The Falls Road Community Association ("FRCA") which is now being drafted. In summary, to address the issue of commercial expansion the *Purchaser* has agreed to

provide covenants to protect the *Subject Property* from redevelopment beyond that which currently exist. With respect to environmental issues, the purchaser has hired an ecologist, selected by FRCA, to oversee site changes with specific focus on protection of the stream which forms the eastern boundary of the property. A copy of the agreement with FRCA and the accompanying covenants will be provided you upon their completion.

This brings us to the *Agreement* which ties the previous issues to the proximity of the proposed office use to your property which abuts to the north.

Agreement

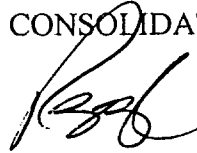
1. *Purchaser* agrees to finalize and sign the agreement reached with *FRCA* and at closing record the covenants as summarized above.
2. To minimize any nuisance of the proposed use on *Williams Property*, *Purchaser* agrees to plant a screen of 8 ft. white pine trees along the southern boundary of *Williams Property*. More specifically, this screen will extend from the Falls Road setback line on the west to the proposed retaining wall on the east. This retaining wall is being constructed on the *Subject Property* to assist in creating an area suitable for support parking.
3. Robert L. Williams, the current owner of the *Williams Property* agrees to dismiss the appeal made against the request for special use permit filed by the *Purchaser* in conjunction with the proposed change of use. This must be accomplished no later than the close of business Monday December 7, 1998 with the appropriate verification faxed to *Purchaser* upon completion.
4. Robert L. Williams further agrees not to file any further appeals or interfere or oppose in any way with *Purchasers* proposed plans to proceed with re-use of the subject property for office. This would include *Purchasers* plan to seek rezoning at the Cycle 5, and if need be Comprehensive rezoning process to extend the zoning line to the northern boundary of the building.
5. In the event Robert L. Williams, his heirs, beneficiaries or assigns, should enter into a contract to sell the *Williams Property* prior to *Purchaser* obtaining rezoning for the balance of the residence, then this agreement shall become a part of that contract and the theoretical purchaser would be bound by the same terms as set forth here.

This agreement is obviously conditional on our closing of the *Subject Property* and would become null and void if this is not accomplished.

Robert, we appreciate your willingness to work together to resolve our differences. I am confident that you will find our reuse of the property to be an enhancement to the neighborhood. Please sign below to memorialize the terms of our understanding.

Sincerely,

CONSOLIDATED EQUITIES CORP.



Robert B. Becker, MAI

AGREED AND ACCEPTED

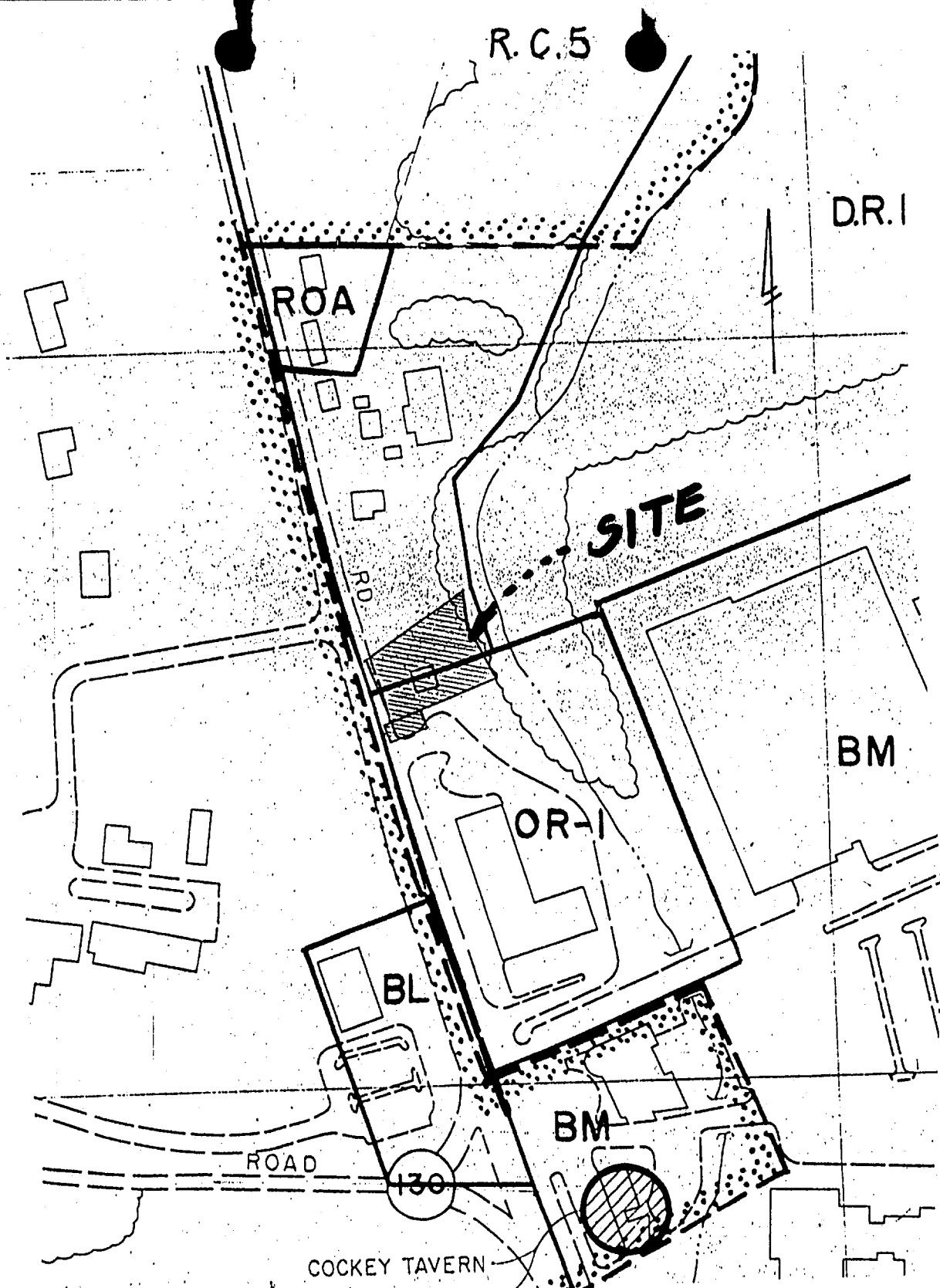
Witness:

Owner, 10901 Falls Rd.

Robert L. Williams

RBB/klg

f:\users\main\fallsrd\williams



PART OF O.P.Z. NW 12-C 1"=200' ±

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND
APPLICATION FOR USE PERMIT FOR BUSINESS PARKING IN A
RESIDENTIAL ZONE

99-197-SPH

10829 FALLS ROAD

8TH ELEC. DIST. 3RD COUNC. DIST. BALTIMORE COUNTY, MD.